

OFFICE OF THE MAYOR
SAN FRANCISCO



OFFICE OF THE CITY ATTORNEY
SAN FRANCISCO

LONDON N. BREED
MAYOR

DENNIS J. HERRERA
CITY ATTORNEY

TO: All City Department Heads
FROM: Mayor London N. Breed
City Attorney Dennis J. Herrera
DATE: September 23, 2019
RE: Board of Supervisors Resolution No. 382-19

On September 3, 2019, the Board of Supervisors approved a resolution declaring that the National Rifle Association (NRA) is a domestic terrorist organization (Resolution No. 382-19; Board of Supervisors File No. 190841) (the "Resolution"). Consistent with the Mayor's regular practice regarding resolutions that make non-binding policy statements, she returned the Resolution to the Clerk of the Board without signature. In light of the recent public attention, we jointly issue this memorandum to explain the effect of the Resolution on the City's contracting policy and practice.

The Resolution does not impose any obligations on City departments or members of the public. Section 2.105 of the City's Charter requires the Board of Supervisors to adopt all legislative acts by ordinance. Under that Charter section, whenever the Board seeks to adopt a rule that binds City departments, the Board acts by ordinance. When the Board seeks to make non-binding statements announcing its views on general policy matters, it may act by resolution. Resolutions making policy statements do not impose duties on City departments, change any of the City's existing laws or policies, or control City departments' exercise of discretion.

Because the Resolution did not change City law, the City's contracting processes and policies have not changed and will not change as a result of the Resolution. Unless or until the Board of Supervisors enacts an ordinance imposing new requirements, no department will take steps to assess the relationships between City contractors and the NRA, and no department will take steps to restrict any contractor from doing business with the NRA or to restrict City contracting opportunities for any business that has any relationship with the NRA.

Even though the Resolution did not change City law or contracting policy, we appreciate and take seriously the Board's thoughtful statements about the impacts of gun violence and the NRA leadership's role in our society. We will continue to work with Supervisors to monitor further legal developments in this area and as they consider possible changes to the City's Municipal Code to address the epidemic of gun violence consistent with applicable federal and state law.

If you have any questions, please feel free to contact our offices.